IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 5818 of 2007(P)

AGAINST THE ORDER IN EP 569/2006 IN
OS.464/2002 of MUNSIFF COURT, HOSDRUG
.....

PETITIONER:

LOVELY LUKOSE, W/O.JOSE,
PULICKAKUNNEL, ODAKKOLLY, PALAVAYAL,
KASARAGODE DT.

BY ADV. SRI.SUBHASH SYRIAC

RESPONDENTS:
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1. **NORTH MALABAR GRAMIN BANK,**
   REPRESENTED BY ITS CHAIRMAN, KANNUR.

2. **BRANCH MANAGER,**
   NORTH MALABAR GRAMIN BANK, PALAVYAL BRANCH,
   KASARAGODE.

3. **NATIONAL BANK FOR AGRICULTURAL AND**
   RURAL DEVELOPMENT, REPRESENTED BY ITS
   GENERAL MANAGER, PRODUCTION AND CREDIT DEPARTMENT,
   PLOT NO.C.24, BLOCK NO.G, POST BAG NO.8121,
   BANDRA-KURLA COMPLEX, MUMBAI- 4000051.

BY ADV. SRI.M.K.SUMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007 ALONG WITH WPC NO. 5907 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.5818/207 P

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE EXECUTION PETITION NO.569/06 IN O.S.NO. 464/02 FILED BY THE 2ND RESPONDENT BEFORE THE MUNSIFF COURT, HOSDURG.**

EXT.P2: **CIRCULAR NO.NB/PCD-16/2006 DTD. 19/10/06 HAS BEEN ISSUED BY THE 3RD RESPONDENT BANK.**

EXT.P3: **COPY OF THE APPLICATION DTD. 5/12/06 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) Nos. 5818 & 5907 OF 2007
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Dated this the 17th September, 2007

J U D G M E N T

The prayer now made by the petitioners is to direct the 1st respondent-Bank to consider Ext. P3 in W.P.(C) No. 5818 of 2007 and Ext. P4 in W.P.(C) No. 5907 of 2007 for rescheduling the loan availed of by the petitioners. Standing counsel for the 1st respondent-Bank submits that the request of the petitioners will be considered and orders thereon will be passed. Accordingly, it is directed that the aforesaid representations made by the petitioners for rescheduling the loan shall be considered and orders thereon shall be passed. In W.P.(C) No. 5818 of 2007 the petitioner has filed I.A. No. 11907 of 2007 seeking stay of all further proceedings in E.P. No. 569/06 and E.P. No. 571/06. Taking into account the circumstances of the case and also the interim order passed in W.P.(C) No. 5907/07 I direct that further proceedings pursuant to orders in E.P. No. 569/06 and E.P. No. 571/06 shall be stayed until orders on the

representations are passed on condition that the petitioners remit Rs.35,000/- within two weeks from today. It is also directed that till final orders are passed as directed herein above the interim order dated 21-6-2007 in W.P.(C) No. 5907/07 will also be in force.

The writ petitions are disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-